

1 BILL NO. Z-83-04-10

2 ZONING MAP ORDINANCE NO. Z-05-83

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. P-23.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-2-B (Community Shopping Center) District under the
9 terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of
10 1974:

11 VICTORIA SQUARE SHOPPING CENTER

12
13 Part of the fractional NW 1/4 of Section 30, T 30 N,
14 R 13 E, in Allen County, Indiana more particularly
15 described as follows, to-wit: Beginning at a point
16 on the East right-of-way line of Anthony Boulevard,
17 which point is located 857.42 feet South of and 50 feet
18 East of the Northwest corner of the fractional Northwest
19 1/4 of Section 30, T 30 N, R 13 E, Allen County, Indiana,
20 point also being the Southwest corner of Lot #1 in
21 Victoria Colony Addition to the City of Fort Wayne; thence
22 east along the South lot lines of Lots 1, 2, & 3 in said
23 Victoria Colony Addition a distance of 523 feet to a
24 point, point also being the NW corner of Lot 15 in
25 Victoria Colony Addition, Section 3; thence South
26 and parallel to the West line of said Section 30,
27 T 30 N, R 13 E, a distance of 1159.25 feet to the SW
28 corner of Lot 93 in Victoria Park Section 3, point
29 also being on the North line of Lot #7 in Victoria
30 Park Addition Section 1; thence West along the North
31 lines of Lots 1 thru 7 in said Victoria Park Addition
32 Section 1, a distance of 523 feet to the NW corner of
Lot #1 in said Victoria Park Addition Section 1, point
also being on the East right-of-way line of Anthony
Boulevard; thence North along the East right-of-way
of Anthony Boulevard to the point of beginning;

and the symbols of the City of Fort Wayne Zoning Map P-23, as
established by Section 11 of Chapter 33 of the Code of the City of Fort
Wayne, Indiana are hereby changed accordingly.

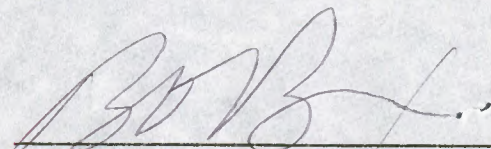
SECTION 2. That this Ordinance shall be in full force and
effect after its passage and approval by the Mayor and the legal

publication thereof.



COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:



BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____.M.,E.S.T.

DATE: 4-12-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by Disanto, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-10-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 3-05-83, on the 10th day of May, 1983.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock 9.M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 12th day of May, 1983, at the hour of 1 o'clock P.M.,E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Fort Wayne City Plan Commission
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-2 Symbol District to a/an B-2-B District the property described as follows:

SEE ATTACHED LEGAL

(Legal Description) If additional space is needed, use reverse side.

Victoria Square Shopping Center

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Fort Wayne City Plan Commission One Main Street

Stephen A. Bailey, Secretary

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

City Plan Commission _____
(Name) (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION FOR VICTORIA SQUARE CENTER

Part of the fractional NW $\frac{1}{4}$ of Section 30, T 30 N, R 13 E, in Allen County, Indiana more particularly described as follows, to-wit: Beginning at a point on the East right-of-way line of Anthony Boulevard, which point is located 857.42 feet South of and 50 feet East of the Northwest corner of the fractional Northwest $\frac{1}{4}$ of Section 30, T 30 N, R 13 E, Allen County, Indiana, point also being the Southwest corner of Lot #1 in Victoria Colony Addition to the City of Fort Wayne; thence east along the South lot lines of Lots 1, 2, & 3 in said Victoria Colony Addition a distance of 523 feet to a point, point also being the NW corner of Lot 15 in Victoria Colony Addition Section 3; thence South and parrallel to the West line of said Section 30, T 30 N, R 13 E, a distance of 1159.25 feet to the SW corner of Lot 93 in Victoria Park Section 3, point also being on the North line of Lot #7 in Victoria Park Addition Section 1; thence West along the North lines of Lots 1 thru 7 in said Victoria Park Addition Section 1, a distance of 523 feet to the NW corner of Lot #1 in said Victoria Park Addition Section 1, point also being on the East right-of-way line of Anthony Boulevard; thence North along the East right-of-way of Anthony Boulevard to the point of beginning.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-04-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1983;

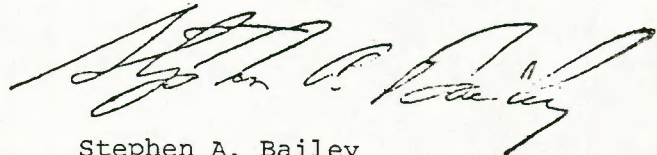
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Finding of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and, .
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1983.

Certified and signed this
26th day of April 1983.



Stephen A. Bailey
Secretary

BILL NO. Z-83-04-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. P-23

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

Janet G. Bradbury
Victure L. Scruggs
Mark E. Giaquinta
Roy J. Schomburg

Concurred in 5-10-83

C.E. G. Estep



The City of Fort Wayne

City-County Building - One Main Street - Fort Wayne, Indiana 46802

CITY PLAN COMMISSION

26 April 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held April 25, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-83-04-10
2. From B2 Symbol to a B-2-B - Community Shopping Center
3. Intended Use: Victoria Square Shopping Center
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

REASON: The reclassification of this center will bring them into compliance with the new Shopping Center Ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

ORIGINAL

DIGEST SHEET

Admn. Appr. _____

3-83-04-10

TITLE OF ORDINANCE Zoning Ordinance Amendment (Shopping Center Reclassification)
(Victoria Square Shopping Ctr.)

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

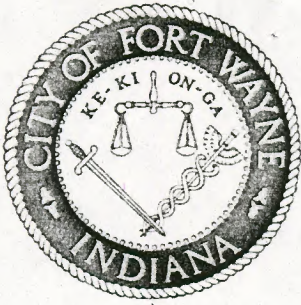
SYNOPSIS OF ORDINANCE This Ordinance will place the Victoria Square Shopping
Center into the correct shopping center classification within the new Shopping
Center Ordinance.

EFFECT OF PASSAGE This will place Victoria Square Shopping Center under the
new ordinance and will allow it to further develop.

EFFECT OF NON-PASSAGE Denial will prohibit any future development within the
present shopping center boundaries.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____



The City of Fort Wayne

Office of the City Clerk

May 16, 1983

Ms. Linda King
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of May 20, 1983 & May 27, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne

Bill No. G-83-04-24
General Ordinance No. G-13-83
FIRE PREVENTION CODE 1976

Bill No. Z-83-04-06
Zoning Map Ordinance No. Z-03-83

Bill No. Z-83-04-07
Zoning Map Ordinance No. Z-04-83

Bill No. Z-83-04-10
Zoning Map Ordinance No. Z-05-83

Bill No. Z-83-04-11
Zoning Map Ordinance No. Z-06-83

Please send us 18 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Nadejda Eshcoff
Nadejda Eshcoff
City Clerk

ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 10th day of May, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-83-04-24 -- General Ordinance No. G-13-83 -- AN ORDINANCE amending Chapter 12, of the City of Fort Wayne: 1976 FIRE PREVENTION CODE

Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-31

Notice is hereby given that on the 10th day of May, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-23

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Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-38 & Q-38

I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83 were passed by the Common Council on the 10th day of May, 1983, and said Ordinances were signed and approved by the Mayor on the 12th day of May, 1983, and remains on file and on record in my office.

Copies of Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

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- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana



Nadejda Eshcoff, City Clerk

I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on May 20, 1983



Nadejda Eshcoff, City Clerk

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head number of lines	1
Body number of lines	107
Tail number of lines	1
Total number of lines in notice	109

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Nadejda Eshcoff, City Clerk

5/20-27

1 columns wide equals 109 equivalent lines at 323¢ \$ 35.21

notices containing rule or tabular work (50 per cent of above amount)

16 extra 8.00

of publication (50 cents for each proof in excess of two)

43.21

OUNT OF CLAIM.

mn 9.6 picas Size of type 6 point

2 Size of quad upon which type is cast. 6

es of Ch. 89., Acts 1967.

ount is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Drusilla Roose

Title CLERK

PUBLISHER'S AFFIDAVIT

Srare of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 5/20 - 5/27/83

Drusilla Roose

Subscribed and sworn to me before this 27 th day of May 19 83

Notary Public

November 29, 1985

My commission expires

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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TOTAL OF CLAIM. \$43.21

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2 Size of quad upon which type is cast 6

of Ch. 89., Acts 1967.

Amount is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Drusilla Roose
Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK

JOURNAL-GAZETTE
DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 5/20 - 5/27/83

Drusilla Roose
Subscribed and sworn to me before this 27 th day of May 19 83

Notary Public
My commission expires November 29, 1985

Fort Wayne Common Council
(Governmental Unit)
Allen County, Ind
To NEWS-SENTINEL Dr.
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head number of lines	1
Body number of lines	107
Tail number of lines	1
Total number of lines in notice	109

COMPUTATION OF CHARGES

109 lines, 1 columns wide equals 109 equivalent lines at .323¢	\$ 35.21
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 16 extra	8.00
TOTAL AMOUNT OF CLAIM.	\$ 43.21

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 point
Number of insertions 2 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 27, 1983 Title CLERK
Drusilla Loose

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:
Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Loose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

5/20 - 5/27/83

Subscribed and sworn to me before this 27 th day of May 19 83

My commission expires November 29, 1985 Notary Public



Fort Wayne Common Council
(Governmental Unit)To JOURNAL-GAZETTE Dr.Allen County, Ind.FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

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107

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COMPUTATION OF CHARGES

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Additional charge for notices containing rule or tabular work (50 per cent of above amount)

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8.00

TOTAL AMOUNT OF CLAIM.

\$ 43.21

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla RooseDate May 27, 19 83Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, saysthat she is CLERK of theJOURNAL-GAZETTEa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 5/20 - 5/27/83Drusilla RooseSubscribed and sworn to me before this 27 th day of May, 19 83Anne M. Perkins

Notary Public

My commission expires November 29, 1985

the City Clerk of Fort Wayne, Indiana.

Nedjde Eshcoff, City Clerk
I, Nedjde Eshcoff, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on May 20, 1983.Nedjda Eshcoff, City Clerk
5/20-27